

Amendment and Response

Applicant: Ronald L. Hall et al.

Serial No.: 10/721,688

Filed: November 25, 2003

Docket No.: 200206298-1

Title: MONOCHROME AND COLOR TRANSFER

REMARKS

The following Remarks are made in response to the Non-Final Office Action mailed March 27, 2008, in which claims 18-20 were allowed, claims 1-4, 6, 7, 9-17, and 21-29 were rejected, and claims 5 and 8 were objected to.

With this Amendment, claims 1, 4, 6, 7, and 11 have been cancelled without prejudice, and claims 2, 3, 5, 8, 9, 10, 12, 14, 15, 16, 21, and 25 have been amended, including allowable claims 5, 8, and 12 which have been rewritten in independent form.

Claims 2, 3, 5, 8-10, and 12-29, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 101

Claims 11-17 are rejected under 35 U.S.C. 101 as being directed to non-statutory matter.

With this Amendment, claim 11 has been cancelled without prejudice. The rejection of claim 11 under 35 U.S.C. 101, therefore, is rendered moot.

With this Amendment, claim 12 has been rewritten in independent form and amended to clarify that the claim is directed to a **"computer storage medium having a set of computer executable instructions for causing a device to perform a method."**

As such, Applicant submits that claim 12 (and the dependent claims depending therefrom) are directed to statutory subject matter. Applicant, therefore, respectfully requests that the rejection of claims 11-17 under 35 U.S.C. 101 be reconsidered and withdrawn, and that claims 12-17 be allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 6, 7, 9-11, 14-17, and 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiura US Patent No. 5,220,417.

With this Amendment, claims 1, 4, 6, 7, and 11 have been cancelled without prejudice. In addition, dependent claims 2 and 3 have been amended to depend directly or indirectly from allowable claim 5, dependent claims 9 and 10 have been amended to depend directly or indirectly from allowable claim 8, and dependent claims 14-17 have been

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amended to depend directly or indirectly from allowable claim 12. The rejection of claims 1-4, 6, 7, 9-11, and 14-17 under 35 U.S.C. 102(b), therefore, is rendered moot.

With this Amendment, independent claim 21 has been amended to clarify that means for allocating more than one color type pixel processing channel to transfer the identified monochrome type pixel data includes **"a first processing channel for transferring both monochrome type pixel data and a first color type pixel data, and a second processing channel for transferring both monochrome type pixel data and a second color type pixel data."**

With this Amendment, independent claim 25 has been amended to clarify that the more than one channel includes **"a first channel to transfer both monochrome type pixel data and a first color type pixel data, and a second channel to transfer both monochrome type pixel data and a second color type pixel data."**

With respect to the Sugiura reference, Applicant submits that this reference does not disclose a data processing system as claimed in independent claim 21 and does not disclose a data processing system as claimed in independent claim 25 including a first channel for transferring both monochrome type pixel data and a first color type pixel data, and a second channel for transferring both monochrome type pixel data and a second color type pixel data.

In view of the above, Applicant submits that independent claims 21 and 25, and the dependent claims depending therefrom, are each patentably distinct from the Sugiura reference and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 21-29 under 35 U.S.C. 102(b) be reconsidered and withdrawn, and that claims 21-29 be allowed.

Allowable Subject Matter

Claims 18-20 are allowed. Applicant appreciates the indicated allowance of these claims.

Claims 5, 8, 12, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular,

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Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 5 in independent form to include all of the limitations of the base claim (claim 1) and any intervening claims (claim 4). Accordingly, Applicant has amended claims 2 and 3 to depend directly or indirectly from rewritten independent claim 5. As rewritten claim 5 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 2 and 3 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 5 be withdrawn and that claims 2, 3, and 5 be allowed.

With this Amendment, Applicant has rewritten allowable claim 8 in independent form to include all of the limitations of the base claim (claim 6) and any intervening claims (claim 7). Accordingly, Applicant has amended claims 9 and 10 to depend directly or indirectly from rewritten independent claim 8. As rewritten claim 8 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 9 and 10 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claim 8 be withdrawn and that claims 8, 9, and 10 be allowed.

With this Amendment, Applicant has rewritten allowable claim 12 in independent form to include all of the limitations of the base claim (claim 11) and any intervening claims (none). Accordingly, Applicant has amended claims 14-17 to depend directly or indirectly from rewritten independent claim 12. As rewritten claim 12 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 13 and 14-17 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 12 and 13 be withdrawn and that claims 12-17 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2, 3, 5, 8-10, and 12-29 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: JUNE 26, 2008

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